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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 MICHAEL RAY HOGAN,
10 Petitioner,
11 vs.
12 RENEE BAKER, *et al.*,
13 Respondents.
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2:97-cv-00927-JCM-PAL

ORDER

15 On May 18, 2012, this court entered an order lifting the stay and reopening proceedings in
16 this case. ECF No. 130. In addition, the court allowed petitioner thirty (30) days within which to
17 file an amended petition for a writ of habeas corpus. *Id.* After obtaining several extensions of time,
18 petitioner filed his fourth amended petition on October 18, 2012. ECF No. 139.

19 The amended petition having been filed, the court shall now set a schedule for further
20 litigation of this action.

IT IS THEREFORE ORDERED:

22 1. **Response to Petition.** Respondents shall have until and including **December 28,**
23 **2012**, to file and serve an answer or other response to petitioner's fourth amended petition for writ of
24 habeas corpus (ECF No. 139).

25 2. **Reply and Response to Reply.** Petitioner shall have **forty-five (45) days** following
26 service of an answer by respondents to file and serve a reply. Respondents shall thereafter have

thirty (30) days following service of a reply to file and serve a response to the reply.

2 3. **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner
3 shall have **thirty (30) days** following service of the motion to file and serve an opposition to the
4 motion. Respondents shall thereafter have **thirty (30) days** following service of the opposition to
5 the motion to file and serve a reply.

6 4. **Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing,
7 petitioner shall file and serve a motion for an evidentiary hearing concurrently with, but separate
8 from, his reply to respondents' answer or his opposition to respondents' motion to dismiss. The
9 motion for an evidentiary hearing must specifically address why an evidentiary hearing is required,
10 and must meet the applicable requirements of 28 U.S.C. § 2254(e). The motion must identify
11 whether an evidentiary hearing was held in state court, and, if so, state where the transcript is located
12 in the record. If petitioner files a motion for an evidentiary hearing, respondents shall file and serve
13 a response to that motion concurrently with, but separate from, their response to petitioner's reply or
14 their reply in support of a motion to dismiss. Petitioner shall thereafter have **twenty (20) days**,
15 following service of respondents' response to the motion for an evidentiary hearing, to file and serve
16 a reply in support of that motion.

17 DATED: October 23, 2012.

James C. Mahan
UNITED STATES DISTRICT JUDGE